

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAND PUBLISHING CO., INC.,

Plaintiff,

- against -

VENTURETEK, L.P., RICHARD ELKIN,
ANTOINE BERNHEIM, STACY BERNHEIM
and GENSTAR, LTD.,

Defendants.

07 Civ. 9596 (VM)

**NOTICE OF
MOTION TO DISMISS**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and all prior pleadings and proceedings herein, at the United States Courthouse, 500 Pearl Street, New York, New York, on such date as the Court shall deem appropriate, Defendants Antoine Bernheim, Stacy Bernheim, Richard Elkin, and Genstar, Ltd. (“Defendants”) shall move to dismiss the Complaint filed in the above-captioned action pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on the grounds that the Complaint fails to state a claim upon which relief can be granted and for such other and further relief as the Court deems appropriate. Defendants will also join in the motion of Defendant Venturetek, L.P. to dismiss the Complaint for the reasons set forth therein.

Dated: New York, New York
December 12, 2007

/s/ Michael I. Allen
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